

**THIRTY-EIGHTH LEGISLATIVE DAY
WEDNESDAY, FEBRUARY 14, 2007**

House of Representatives

The House convened at 11:15 a.m., the Speaker in the Chair.

Roll call showed all 70 members present.

Prayer was offered by Representative Nielsen.

The Pledge of Allegiance was led by Allison Shaffer, Page.

Approval of Journal

February 14, 2007

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Thirty-seventh Legislative Day and recommend that same be adopted as corrected.

CLARK, Chairman

Mr. Clark moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

**Consideration of Messages from the
Governor and the Senate**

February 13, 2007

Mr. Speaker:

I transmit herewith **SCR 106** and **S 1032** which have passed the Senate.

WOOD, Secretary

SCR 106 and **S 1032** were filed for first reading.

Report of Standing Committees

February 14, 2007

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION report that we have printed **H 182**, **H 183**, **H 184**, **H 185**, **H 186**, **H 187**, **H 188**, **H 189**, **H 190**, and **H 191** and House Amendments to **H 7** and **H 73**.

CLARK, Chairman

H 182 and **H 183** were referred to the Education Committee.

H 184, **H 185**, and **H 186** were referred to the State Affairs Committee.

H 187 and **H 188** were referred to the Transportation and Defense Committee.

H 189, **H 190**, and **H 191** were referred to the Revenue and Taxation Committee.

February 14, 2007

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled **H 37**, **H 38**, and **H 77**.

CLARK, Chairman

The Speaker announced he was about to sign enrolled **H 37**, **H 38**, and **H 77**, and, when so signed, ordered them transmitted to the Senate for the signature of the President.

February 14, 2007

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have engrossed **H 7**, as amended, and **H 73**, as amended.

CLARK, Chairman

H 7, as amended, and **H 73**, as amended, were filed for first reading of engrossed bills.

February 14, 2007

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled **H 16** to the Governor at 1:10 p.m., as of this date, February 13, 2007.

CLARK, Chairman

H 150 held at the Desk, February 12, 2007, was referred to the Transportation and Defense Committee.

February 13, 2007

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have had under consideration **H 106**, **H 126**, **H 127**, **H 128**, and **H 129** and recommend that they do pass.

CLARK, Chairman

H 106, **H 126**, **H 127**, **H 128**, and **H 129** were filed for second reading.

February 13, 2007

Mr. Speaker:

We, your COMMITTEE ON RESOURCES AND CONSERVATION, report that we have had under consideration **S 1010** and **S 1011** and recommend that they do pass.

STEVENSON, Chairman

S 1010 and **S 1011** were filed for second reading.

February 13, 2007

Mr. Speaker:

We, your COMMITTEE ON BUSINESS, report that we have had under consideration **H 28**, **H 99**, and **H 136** and recommend that they do pass.

BLACK, Chairman

H 28, **H 99**, and **H 136** were filed for second reading.

There being no objection, the House advanced to the Seventh Order of Business.

Motions, Memorials, and Resolutions

SCR 106, by Local Government and Taxation Committee, was introduced, read the first time by title, and referred to the Ways and Means Committee.

**Introduction, First Reading, and Reference
of Bills and Joint Resolutions**

**HOUSE BILL NO. 192
BY STATE AFFAIRS COMMITTEE
AN ACT**

RELATING TO CABLE AND VIDEO COMPETITION; AMENDING TITLE 61, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 17, TITLE 61, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO DEFINE TERMS, TO PROVIDE REQUIREMENTS, PROCEDURES AND AUTHORITY FOR THE PROVISION OF CABLE OR VIDEO SERVICE WITHIN THE STATE OF IDAHO, TO PROVIDE REQUIREMENTS AND PROCEDURES FOR CUSTOMER ACCESS TO COMMUNITY PROGRAMMING, TO PROVIDE FOR SERVICE PROVIDER FEES AND PROCEDURES AND DEFINITIONS RELATED THERETO, TO PROVIDE FOR NONDISCRIMINATION BY GOVERNMENTAL ENTITIES RELATING TO USE OF PUBLIC RIGHTS-OF-WAY, TO PROHIBIT DISCRIMINATION AMONG POTENTIAL RESIDENTIAL SUBSCRIBERS AND TO PROVIDE FOR APPLICABILITY OF OTHER LAW; AND TO PROVIDE FOR SEVERABILITY.

**HOUSE BILL NO. 193
BY STATE AFFAIRS COMMITTEE
AN ACT**

RELATING TO JUDGES; AMENDING SECTION 59-502, IDAHO CODE, TO INCREASE THE SALARIES OF SUPREME COURT JUSTICES AND DISTRICT COURT JUDGES.

**HOUSE BILL NO. 194
BY STATE AFFAIRS COMMITTEE
AN ACT**

RELATING TO DISTURBING THE PEACE; AMENDING SECTION 18-6409, IDAHO CODE, TO PROVIDE THE MISDEMEANOR PENALTY FOR MALICIOUSLY AND WILLFULLY DISTURBING THE DIGNITY OR REVERENTIAL NATURE OF ANY FUNERAL, MEMORIAL SERVICE, FUNERAL PROCESS, BURIAL CEREMONY OR VIEWING OF A DECEASED PERSON AND TO MAKE A TECHNICAL CORRECTION.

**HOUSE BILL NO. 195
BY STATE AFFAIRS COMMITTEE
AN ACT**

RELATING TO CABLE OR VIDEO FRANCHISES; AMENDING TITLE 50, IDAHO CODE, BY THE ADDITION

OF A NEW CHAPTER 11, TITLE 50, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO PROVIDE CONSTRUCTION OF THE CHAPTER, TO DEFINE TERMS, TO PROVIDE FOR AUTHORIZATION TO PROVIDE VIDEO SERVICE, TO PROHIBIT DISCRIMINATION, TO PROVIDE CUSTOMER SERVICE STANDARDS, TO PROVIDE PROCEDURES FOR TRANSFERS, TO PROVIDE FRANCHISE FEES OR OTHER FEES, TO PROVIDE PUBLIC, EDUCATIONAL AND GOVERNMENTAL ACCESS CHANNELS AND TO PROVIDE FOR RIGHTS-OF-WAY MANAGEMENT; AND AMENDING CHAPTER 36, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-3619A, IDAHO CODE, TO PROVIDE A VIDEO SERVICE SALES TAX, TO PROVIDE FOR DISTRIBUTION OF MONEYS COLLECTED AND TO DEFINE TERMS.

**HOUSE BILL NO. 196
BY REVENUE AND TAXATION COMMITTEE
AN ACT**

RELATING TO ELECTIONS; AMENDING SECTION 22-4301, IDAHO CODE, TO REVISE THE DATE OF ELECTION TO ESTABLISH AND MAINTAIN A WEATHER MODIFICATION DISTRICT; AMENDING SECTION 31-402, IDAHO CODE, TO REVISE THE DATE OF ELECTION TO CONSOLIDATE COUNTIES; AMENDING SECTION 31-403, IDAHO CODE, TO REVISE THE DATE OF ELECTION REFERRED TO IN A PETITION TO CONSOLIDATE COUNTIES; AMENDING SECTION 33-308, IDAHO CODE, TO REQUIRE THAT THE DATE OF A SCHOOL DISTRICT ELECTION HELD FOR THE PURPOSE OF EXCISING OR ANNEXING TERRITORY TO A DISTRICT SHALL BE HELD ON A DATE AUTHORIZED IN SECTION 34-106, IDAHO CODE; AMENDING SECTION 33-312, IDAHO CODE, TO REQUIRE THAT THE DATE OF A SCHOOL DISTRICT ELECTION HELD FOR THE PURPOSE OF DIVIDING A SCHOOL DISTRICT SHALL BE HELD SUBJECT TO THE PROVISIONS OF SECTION 34-106, IDAHO CODE, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-317, IDAHO CODE, TO PROVIDE THAT AN ELECTION HELD TO AUTHORIZE A LEVY IN SUPPORT OF A COOPERATIVE SERVICE AGENCY SHALL BE HELD SUBJECT TO THE PROVISIONS OF SECTION 34-106, IDAHO CODE; AMENDING SECTION 33-351, IDAHO CODE, TO PROVIDE THAT A SCHOOL DISTRICT ELECTION HELD ON THE QUESTION OF CREATING SUBDISTRICTS SHALL BE HELD SUBJECT TO THE PROVISIONS OF SECTION 34-106, IDAHO CODE; AMENDING SECTION 33-434, IDAHO CODE, TO PROVIDE THAT A SCHOOL DISTRICT ELECTION HELD ON THE QUESTION OF RECALLING A TRUSTEE SHALL BE HELD ON THE NEAREST DATE AUTHORIZED IN SECTION 34-106, IDAHO CODE; AMENDING SECTION 33-503, IDAHO CODE, TO REVISE THE DATE OF ELECTION FOR SCHOOL DISTRICT TRUSTEES AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 33-802, IDAHO CODE, TO PROVIDE THAT ELECTIONS FOR CERTAIN SCHOOL DISTRICT LEVIES SHALL BE HELD SUBJECT TO THE PROVISIONS OF SECTION 34-106, IDAHO CODE; AMENDING SECTION 33-804, IDAHO

CODE, TO PROVIDE THAT A SCHOOL DISTRICT ELECTION HELD TO AUTHORIZE A SCHOOL PLANT FACILITIES RESERVE FUND LEVY SHALL BE HELD SUBJECT TO THE PROVISIONS OF SECTION 34-106, IDAHO CODE; AMENDING SECTION 34-106, IDAHO CODE, TO LIMIT THE NUMBER OF ELECTIONS WHICH MAY BE CONDUCTED IN A CALENDAR YEAR, TO SPECIFY THE DATES ELECTIONS MAY BE HELD, TO REMOVE THE EXEMPTION ON LIMITATION UPON ELECTIONS AS IT APPLIES TO SCHOOL DISTRICTS, TO PROVIDE AN EFFECTIVE DATE FOR CERTAIN ELECTIONS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 34-1401, IDAHO CODE, TO CLARIFY ADMINISTRATION OF SCHOOL DISTRICT ELECTIONS; AMENDING SECTION 34-2501, IDAHO CODE, TO REVISE THE DEFINITION OF "EXPENDITURE REPORT PERIOD" AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 39-1330, IDAHO CODE, TO REVISE THE DATE OF ELECTION FOR HOSPITAL DISTRICTS AND BOARD MEMBERS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 40-1305, IDAHO CODE, TO REVISE THE DATE OF ELECTION OF HIGHWAY COMMISSIONERS AND TO DELETE OBSOLETE LANGUAGE; AMENDING SECTION 42-3211, IDAHO CODE, TO REVISE THE DATE OF ELECTION FOR WATER AND SEWER DISTRICTS; AMENDING SECTION 42-4204, IDAHO CODE, TO REVISE THE DATE OF ELECTION FOR BOARD OF DIRECTORS OF AN AQUIFER RECHARGE DISTRICT; AMENDING SECTION 42-5104, IDAHO CODE, TO REVISE THE DATE OF ELECTION FOR BOARD OF DIRECTORS OF A GROUND WATER MANAGEMENT DISTRICT; AMENDING SECTION 50-429, IDAHO CODE, TO LIMIT THE NUMBER OF CITY ELECTIONS WHICH MAY BE CONDUCTED IN A CALENDAR YEAR, TO SPECIFY THE DATES ELECTIONS MAY BE HELD, TO PROVIDE AN EFFECTIVE DATE FOR ELECTIONS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 50-803, IDAHO CODE, TO PROVIDE THAT AN ELECTION HELD ON THE QUESTION OF ADOPTING THE COUNCIL-MANAGER PLAN SHALL BE HELD ON THE NEAREST DATE AUTHORIZED IN SECTION 50-429, IDAHO CODE; AMENDING SECTION 50-806, IDAHO CODE, TO PROVIDE FOR ELECTION OF OFFICIALS CONSISTENT WITH THE PROVISIONS OF SECTION 50-803, IDAHO CODE, AND TO PROVIDE A CODE REFERENCE; AMENDING SECTION 50-2104, IDAHO CODE, TO PROVIDE THAT AN ELECTION HELD ON THE QUESTION OF CONSOLIDATING CITIES SHALL BE HELD ON THE NEAREST DATE AUTHORIZED IN SECTION 50-429, IDAHO CODE; AMENDING SECTION 50-2107, IDAHO CODE, TO PROVIDE THAT AN ELECTION OF OFFICERS OF A CONSOLIDATED CITY SHALL BE HELD ON THE NEAREST DATE AUTHORIZED IN SECTION 50-429, IDAHO CODE; AMENDING SECTION 50-2302, IDAHO CODE, TO PROVIDE THAT AN ELECTION TO ORGANIZE A CITY SHALL BE HELD SUBJECT TO THE PROVISIONS OF SECTION 50-429, IDAHO CODE, AND TO MAKE TECHNICAL CORRECTIONS; AND PROVIDING AN EFFECTIVE DATE.

HOUSE BILL NO. 197
BY REVENUE AND TAXATION COMMITTEE
 AN ACT

RELATING TO SCHOOL DISTRICT FUNDING; AMENDING SECTION 33-906B, IDAHO CODE, TO REVISE THE VALUE INDEX CALCULATION; AMENDING SECTION 63-802, IDAHO CODE, TO PROVIDE APPLICATION TO ANY SCHOOL DISTRICT LEVY REDUCTION RESULTING FROM A DISTRIBUTION OF STATE FUNDS FROM THE SALES TAX ACCOUNT; DECLARING AN EMERGENCY, PROVIDING RETROACTIVE APPLICATION AND PROVIDING AN EFFECTIVE DATE.

HOUSE BILL NO. 198
BY REVENUE AND TAXATION COMMITTEE
 AN ACT

RELATING TO THE IDAHO HOUSING AND FINANCE ASSOCIATION; AMENDING SECTION 67-6201, IDAHO CODE, TO INCLUDE ASSISTANCE FOR ECONOMIC DEVELOPMENT PROJECTS AS PUBLIC PURPOSES AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 67-6205, IDAHO CODE, TO PROVIDE AN ADDITIONAL DEFINITION AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 67-6206, IDAHO CODE, TO PROVIDE POWERS RELATING TO THE FINANCING OF ECONOMIC DEVELOPMENT PROJECTS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-6207A, IDAHO CODE, TO PROVIDE ADDITIONAL POWERS TO THE IDAHO HOUSING AND FINANCE ASSOCIATION AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 67-6223, IDAHO CODE, TO PROVIDE AUTHORITY TO RECEIVE STATE, PRIVATE OR FEDERAL ASSISTANCE FOR ECONOMIC DEVELOPMENT PROJECTS, TO REVISE THE BORROWING POWER, FINANCIAL ASSISTANCE AND COOPERATION WITH THE STATE AND FEDERAL GOVERNMENT BY THE ASSOCIATION AND TO MAKE A TECHNICAL CORRECTION; AND DECLARING AN EMERGENCY.

HOUSE BILL NO. 199
BY REVENUE AND TAXATION COMMITTEE
 AN ACT

RELATING TO LAND USED TO PROTECT WILDLIFE AND WILDLIFE HABITAT; AMENDING SECTION 63-605, IDAHO CODE, TO REVISE AND CLARIFY THE APPLICATION PROCESS TO CLAIM THE TAX STATUS PROVIDED IN THIS SECTION, TO REQUIRE THAT THE MANAGEMENT PLAN INCLUDES CONTROLLING NOXIOUS WEEDS, TO REQUIRE AN ANNUAL PROGRESS REPORT ON MANAGEMENT OF THE TARGET SPECIES AND CONTROLLING NOXIOUS WEEDS WHEN MAKING SUBSEQUENT ANNUAL APPLICATION UNDER THIS SECTION, TO PROVIDE AN EXCEPTION TO THE REQUIREMENT TO ANNUALLY FILE THE CONSERVATION AGREEMENT OR A COPY OF THE DOCUMENT CREATING THE CONSERVATION

EASEMENT, TO PROVIDE CONDITIONS THAT RESULT IN LOSS OF THE TAX STATUS PROVIDED IN THIS SECTION AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY.

H 192, H 193, H 194, H 195, H 196, H 197, H 198, and H 199 were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

S 1032, by Judiciary and Rules Committee, was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee.

First Reading of Engrossed Bills

H 7, as amended, by Revenue and Taxation Committee, was introduced, read the first time by title and filed for second reading.

H 73, as amended, by Judiciary, Rules, and Administration Committee, were introduced, read the first time by title and filed for second reading.

Second Reading of Bills and Joint Resolutions

H 116, by Local Government Committee, was read the second time by title and filed for third reading.

H 56, H 43, and H 44, by Agricultural Affairs Committee, were read the second time by title and filed for third reading.

H 5, by Health and Welfare Committee, was read the second time by title and filed for third reading.

S 1017, as amended, by Judiciary and Rules Committee, was read the second time by title and filed for third reading.

H 141 and H 142, by Revenue and Taxation Committee, were read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

HJM 2 was read the third time at length and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bedke to open debate.

The question being, "Shall **HJM 2** be adopted?"

Whereupon the Speaker declared **HJM 2** adopted by voice vote and ordered the memorial transmitted to the Senate.

HCR 11 was read the third time at length and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Clark to open debate.

The question being, "Shall **HCR 11** be adopted?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bock, Boe, Bolz, Brackett, Bradford, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Durst, Edmunson, Eskridge, Hagedorn, Hart, Harwood, Henbest, Henderson, Jaquet, Killen, King, Kren, Labrador, Lake, LeFavour, Loertscher, Luker, Marriott, Mathews, McGeachin, Mortimer, Moyle, Nielsen, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Ring, Ringo, Roberts, Ruchti, Rusche, Saylor, Schaefer, Shepherd(2), Shepherd(8), Shirley, Shively, Smith(30), Smith(24), Snodgrass, Stevenson, Thayne, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total -- 70.

Whereupon the Speaker declared **HCR 11** adopted and ordered the resolution transmitted to the Senate.

HCR 12 was read the third time at length and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Raybould to open debate.

The question being, "Shall **HCR 12** be adopted?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bock, Boe, Bolz, Brackett, Bradford, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Durst, Edmunson, Eskridge, Hagedorn, Hart, Harwood, Henbest, Henderson, Jaquet, Killen, King, Kren, Labrador, Lake, LeFavour, Loertscher, Luker, Marriott, Mathews, McGeachin, Mortimer, Moyle, Nielsen, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Ring, Ringo, Roberts, Ruchti, Rusche, Saylor, Schaefer, Shepherd(2), Shepherd(8), Shirley, Shively, Smith(30), Smith(24), Snodgrass, Stevenson, Thayne, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total -- 70.

Whereupon the Speaker declared **HCR 12** adopted and ordered the resolution transmitted to the Senate.

Mr. Moyle asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places for one Legislative Day. There being no objection, it was so ordered.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Roberts moved that the House adjourn until 11:15 a.m., Thursday, February 15, 2007. Seconded by Mr. Saylor. Motion carried.

Whereupon the Speaker declared the House adjourned at 11:51 a.m.

LAWRENCE DENNEY, Speaker

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ATTEST:

PAMM JUKER, Chief Clerk